

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Mohamed Boudalia,

DEBTOR.

CHAPTER 13

CASE NO. 18-57318-MBM

JUDGE MARCI B. MCIVOR

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THE
DEBTOR'S FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the debtor's First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. Section IV. of the debtor's Chapter 13 Plan states that the debtor has altered Provision II.C., however, there does not appear to be any alteration made to this Provision. As such, the Trustee is unable to determine whether the debtor's Plan complies with 11 U.S.C. Section 1325.

2. The debtor has altered Plan Provision V.M. to separately classify the debtor's student loans with the student loans to be paid pursuant to the order of payment of claims provided for in Provision V.F. Provision V.F. provides for Class 8 and 9 to be paid on the same level, however, the debtor has provided for Class 9 to receive a 100% repayment with Class 8 receiving less than a 100% repayment of the student loan claims. The Trustee therefore requests the debtor modify the Plan to provide for Classes 8 and 9 to be paid on a different level so that the Trustee can administer the Plan as proposed.

3. Class 5.3 of the debtor's Chapter 13 Plan provides for repayment of an obligation owing to University of Michigan Credit Union, however, the proof of claim for this creditor was deemed to be unsecured pursuant to this Court's Order dated April 16, 2019. Accordingly, this obligation will not be paid as a secured claim as provided for in the debtor's Chapter 13 Plan.

4. Class 4.1 and 4.2 of the debtor's Chapter 13 Plan provides for the obligations owing to Creekside Village Recreational to be paid via the Chapter 13 Trustee, however, the debtor provides for Creekside Village West to be paid directly by the debtor. If these Creditors are the same entity, a bi-furcated disbursing agent is not justified and fails to comply with 11 U.S.C. Section 1326 and Local Bankruptcy Rule 3070-1.

5. Provision III.B.1.b. provides for a \$6,000.00 escrow for the payment of Counsel's fees. The escrow of this large sum of money may substantially impact the distribution to creditors proposed in the debtor's Chapter 13 Plan. Accordingly, the Trustee requests that the Counsel for the debtor include a reasonable escrow amount pursuant to 11 U.S.C. Section 330.

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court deny confirmation of the debtor's Chapter 13 Plan.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: May 20, 2019

By: /s/ Lisa K. Mullen

DAVID WM. RUSKIN (P26803)

LISA K. MULLEN (P55478)

THOMAS D. DECARLO (P65330)

Attorneys for Chapter 13 Trustee, David Wm. Ruskin

1100 Travelers Tower

26555 Evergreen Road

Southfield, MI 48076-4251

Telephone (248) 352-7755

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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO
CONFIRMATION OF THE DEBTOR'S FIRST MODIFIED,
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on May 20, 2019, I electronically filed the Trustee's Objection to Confirmation of the debtor's First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

SWEENEY LAW OFFICES PLLC
25140 Lahser Rd Ste 252B
Southfield, MI 48033-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Mohamed Boudalia
8961 Ringneck Drive
Ypsilanti, MI 48197-0000

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755